

Appeal Process & Reclassification of Conditional Use Permits

RZC 21.76 Review Procedures
Zoning Code Text Amendment
LAND 2017-00052

March 15, 2017
Planning Commission



CityofRedmond
WASHINGTON

Purpose

- City Council's role in quasi-judicial proceedings
- Streamline review/appeals process
- Provide quicker path to final land use decisions

Current Code

- Current Code:
 - Review procedures for Type I and Type II reviews
 - City Council is the second appeal body
 - Must exhaust all administrative appeals prior to Superior Court
 - Conditional Use Permits (CUP) Type IV reviews
 - City Council is the decision body
 - Hearing and recommendation provided by Hearing Examiner



Proposed Code Changes

- New Code:
 - Review procedures for Type I and Type II
 - King County Superior Court replacing City Council
 - Reclassify CUP's to a Type III review
 - Hearing Examiner would be the decision body
 - Appeal Body will be City Council
- Zoning Code Text Amendment
 - Includes update of process chart



Code Amendment

Table 21.76.050A Permit Types						
	Permit Type					
	Type I Administrative	Type II Administrative	Type III Quasi- Judicial	Type IV Quasi- Judicial	Type V Quasi-Judicial	
TABLE NOTES: 1. Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State <u>Shorelines</u> Hearings Board. 2. Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits.						
Level of Impact and Level of Discretion Exercised by decision maker	Least level of impact or change to policy/regulation. Least level of discretion.		Potential for			
Input Sought	Minimal-generally no public notice required. No public hearing.	Notice of Application provided. No public hearing. Neighborhood meeting only required for short plats meeting certain criteria.	<div> <div>Administrative Appeal Body</div> <div>Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council <u>Superior Court</u>)</div> <div>Hearing Examiner¹(Hearing Examiner decision on appeal may be appealed to City Council <u>Superior Court</u>)</div> </div>			
Public Hearing prior to Decision?	No	No	Yes, Hearing Examiner (or Landmarks Commission) ⁴	Yes, Hearing Examiner	Yes, <u>City Council</u>	Yes, Planning Commission
Decision Maker	Appropriate Department	<u>Technical Committee</u>	Hearing Examiner (or Landmarks Commission) ⁴	City Council	City Council	City Council
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council <u>Superior Court</u>)	Hearing Examiner ¹ (Hearing Examiner decision on appeal may be appealed to City Council <u>Superior Court</u>)	City Council ¹	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)



Code Amendment Cont...

Table 21.76.050B
Classification of Permits and Decisions

Permit Type	Process Type	RMC Section (if applicable)
Administrative Interpretation	I	
Administrative Modification	II	
<u>Alteration</u> of Geologic Hazard Areas	III	
<u>Binding Site Plan</u>	II	
<u>Boundary Line Adjustment</u>	I	
<u>Building Permit</u>	Conditional Use Permit	IV III
Certificate of Appropriateness Level I		
Certificate of Appropriateness Level II		
Certificate of Appropriateness Level III	III	
Clearing and <u>Grading</u> Permit	I	RMC 15.24
<u>Comprehensive Plan</u> Map and/or Policy Amendment	VI	
Conditional Use Permit	IV III	

Requested Action

- Receive comments/questions from Planning Commission for the upcoming Public Hearing and possible recommendation.

Timeline

- 03/15/17 – PC Study Session
- 03/22/17 – PC Public Hearing/Possible Recommendation
- April / May 2017 – Council Review & Decision



Questions / Comments?

Planning

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Surrounding Communities Appeals Process

Community	Appeals to	Code Section
Bellevue	City Council	BCC 20.35.045
Renton	City Council	RMC 4-8-080-G
Woodinville	City Council	WMC 21.83.030
Kirkland	City Council	KZC 150.80
King County	County Council	KCC 20.22.240
Bothell	Superior Court	BMC 11.04.003.B
Issaquah	Superior Court	IMC 18.04.250
Mercer Island	Superior Court	MUDC 19.15.010.E
Newcastle	Superior Court	NMC 19.07.030
Sammamish	Superior Court	SMC 20.05.020
Redmond	City Council	RZC 21.76.050



Surrounding Communities

CUP Process

Community	CUP's Approval Body	Code Section
Mercer Island	Planning Commission	MUDC 19.15.010.E
Woodinville	Hearing Examiner, Type III	WMC 21.83.030
Bothell	Hearing Examiner, Type III	BMC 11.04.003.A
Newcastle	Hearing Examiner, Type III	NMC 19.07.030
Renton	Staff, Type II	RMC 4-8-080-G
Issaquah	Director Decision, Type II	IMC 18.04.100-1
King County	Director Decision, Type II	KCC 20.22.020
Sammamish	Director Decision, Type II	SMC 20.05.020
Bellevue	Hearing Examiner, Type I	BCC 20.35.015
Redmond	City Council, Type IV	RZC 21.76.050